

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

LATONIA SMITH,

Plaintiff,

vs.

WARDEN CHESNUT and
ASSISTANT WARDEN
MELENDREZ,

Defendants.

Case No. 2:24-cv-01341-BLW

**ORDER FOR IN FORMA PAUPERIS
STATUS AND WITHDRAWAL OF
FILING FEE FROM INMATE
TRUST ACCOUNT**

Plaintiff LATONIA SMITH, Inmate No. 55918-048, a pretrial detainee in the custody of the Nevada Southern Detention Center, has filed a Complaint in the United States District Court for the District of Nevada (Las Vegas) and an Application to Proceed in Forma Pauperis. Good cause appearing from the documentation Plaintiff has submitted, the Court will grant the Application. The filing fee of \$350.00 shall be deducted from Plaintiff's inmate trust account in increments until the fee is paid in full, as the in forma pauperis statute requires, regardless of whether the case is authorized to proceed or is dismissed. *See* 28 U.S.C. § 1915(b)(1).

Plaintiff has not been assessed an initial partial filing fee. Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is obligated to make monthly payments of 20 percent of the preceding month's income credited to his account. *See* 28 U.S.C. § 1915(b)(2).

Pursuant to 28 U.S.C. § 1915(b)(2), the agency having custody of Plaintiff is required to send to the Clerk of Court payments from Plaintiff's prison trust (commissary) account each time the amount in the account exceeds \$10.00, until the statutory filing fee of **\$350.00** is paid in full.

If Plaintiff has more than one Order for Payment of Inmate Filing Fee pending, then the law requires that he pay towards as many of his outstanding fee orders as he can afford each month, using the above formula for each case. *See Bruce v. Samuels*, 136 S.Ct. 627 (2006) (rejecting the view that a prisoner with multiple lawsuits is entitled to have the fee deducted for only one lawsuit at a time). Because multiple outstanding fee orders at 20% could equal 100% of a prisoner's income (especially if other obligations such as victim compensation and child support are deducted each month), then payments shall be forwarded to satisfy up to the first five orders simultaneously until at least one is satisfied in full, and then payment on the sixth and any subsequent orders can begin to be deducted from the prisoner's account.

NOW THEREFORE IT IS HEREBY ORDERED:

1. Plaintiff's Application for Leave to Proceed in Forma Pauperis (ECF No. 1) is GRANTED.
2. The Warden or their designee shall collect from Plaintiff's prison trust account the **\$350.00** balance of the filing fee and shall forward payments to the **Clerk of Court at 333 South Las Vegas Blvd., Las Vegas, NV 89101**, in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly

identified by the name and number assigned to this action. If multiple payments are forwarded to the Clerk of Court to satisfy filing fees in more than one case, each payment shall be clearly identified by the name and number assigned to each action.

3. The Clerk of Court is directed to serve a copy of this order on the Warden, Prison Trust Account Manager, or their designee, as follows:

Nevada Southern Detention Center
2190 East Mesquite Ave
Pahrump, NV 89060.



DATED: September 17, 2024

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge